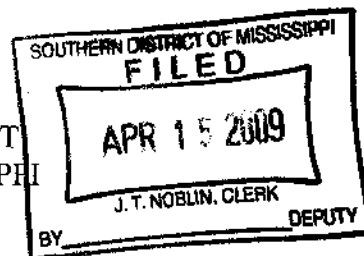


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



HERBERT R. HILDERBRAND

PLAINTIFF

VS.

CAUSE NO. 3:09cv243 DPT-JCS

LEVI STRAUSS & COMPANY

DEFENDANT

COMPLAINT
JURY TRIAL REQUESTED

Herbert R. Hilderbrand, Plaintiff, files the following claims against Levi Strauss & Company, Defendant, for discrimination based on his age in violation of the Age Discrimination in Employment Act and for retaliation.

I. JURISDICTION AND VENUE

1. Jurisdiction for suits charging discrimination on the basis of age is vested in this Court by way of 29 U.S.C. §§ 621-634, *et seq.*, and under 28 U.S.C. § 1331 because of the existence of a federal question.

2. Venue is properly fixed in this division and district as the violations of the Age Discrimination in Employment Act occurred in Madison County, Mississippi.

II. PARTIES

3. Herbert R. Hilderbrand is an adult resident citizen of the State of Mississippi who resides in Bentonia, Yazoo County, in the Jackson Division of the Southern District of Mississippi.

4. Levi Strauss & Company is an employer with more than 500 employees. It has

operations worldwide, is a Delaware Corporation licensed to do and doing business in the State of Mississippi, in particular, in its Canton, Mississippi plant located at 501 Denim Way, Canton, Madison County, Mississippi, 39046. Defendant Levi Strauss & Company may be served by delivering a copy of the Summons and Complaint to Corporation Service Company, 506 South President Street, Jackson, Mississippi, 39201.

III. FACTS

5. Herbert R. Hilderbrand was an employee of Defendant Levi Strauss & Company until he was terminated on or about December 11, 2008. His date of birth is August 15, 1950.

6. At the time of his termination, Plaintiff was Manager of Inventory Control at the Defendant's Customer Service Center in Canton, Mississippi. The company selected a younger employee to fill the position of Inventory Control Manager rather than the Plaintiff. Plaintiff was in the protected age as defined by the ADEA, 29 U.S.C. §§ 626, *et seq.*, and was discharged from his employment and replaced by a younger, less tenured employee. At all times material, Plaintiff was performing his job in a competent manner.

7. Plaintiff had previously worked for Defendant in its Canton CSC office for twenty-three (23) years. He was terminated in 2003 and replaced by a younger employee. He filed a charge of discrimination based on his age with the Equal Employment Opportunity Commission and subsequently filed a lawsuit in which he alleged age discrimination. The matter was settled and he was reinstated in his employment with Defendant. His termination December 11, 2008, was in retaliation for the protected activity in which Plaintiff engaged and was causally related to this activity.

COMPLETION OF ADMINISTRATIVE PROCEDURES

8. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission in which he stated the facts upon which this lawsuit is based. More than sixty days have passed since the filing of that charge of discrimination. On or about April 1, 2009, Plaintiff received a Notice of Right to Sue from the U. S. Equal Employment Opportunity Commission which informed him that the EEOC had completed action on the charge and that he had ninety days in which to file suit. This complaint is being filed within the ninety day period.


RELIEF

WHEREFORE for the foregoing facts, the Plaintiff seeks all relief permitted under the Age Discrimination in Employment Act, 29 U.S.C. §§621, *et seq.*, including but not limited to reinstatement to his employment, all back pay due and any front pay to be awarded, all applicable fringe benefits, costs, including reasonable attorneys fees, and liquidated damages.

This the 15th day of April, 2009.

Respectfully submitted,

HERBERT R. HILDERBRAND, Plaintiff



John L. Maxey II (MSB No. 1946)

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